

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-02641-JSR**

Fox News Network, LLC v. United States Securities and
Exchange Commission
Assigned to: Judge Jed S. Rakoff
Cause: 05:552 Freedom of Information Act

Date Filed: 03/23/2009
Date Terminated: 08/19/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

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V.

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Date Filed	#	Docket Text
03/23/2009	<u>1</u>	COMPLAINT against United States Securities and Exchange Commission. (Filing Fee \$ 350.00, Receipt Number 682263) Document filed by Fox News Network, LLC.(ama) (ama). (Entered: 03/23/2009)
03/23/2009		SUMMONS ISSUED as to United States Securities and Exchange Commission. (ama) (Entered: 03/23/2009)
03/23/2009		Magistrate Judge Kevin Nathaniel Fox is so designated. (ama) (Entered: 03/23/2009)
03/23/2009		Case Designated ECF. (ama) (Entered: 03/23/2009)
03/23/2009	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying News Corporation as Corporate Parent. Document filed by Fox News Network, LLC.(ama) (ama). (Entered: 03/23/2009)
03/26/2009	<u>3</u>	AFFIDAVIT OF SERVICE. United States Securities and Exchange Commission served on 3/25/2009, answer due 5/25/2009. Service was made by Mail. Document filed by Fox News Network, LLC. (Ostensen, Paul) (Entered: 03/26/2009)
03/27/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 3/27/2009. (mro) (Entered: 03/30/2009)
04/06/2009	<u>4</u>	MOTION for Melinda Hardy to Appear Pro Hac Vice. Document filed by United States Securities and Exchange Commission.(dle) (Entered: 04/13/2009)
04/06/2009	<u>5</u>	MOTION for Kevin D. Solonsky to Appear Pro Hac Vice. Document filed by United States Securities and Exchange Commission.(dle) (Entered: 04/13/2009)
04/06/2009		***Attorney David D. Solonsky for United States Securities and Exchange Commission added. (dle) (Entered: 04/15/2009)
04/15/2009	8	TRANSCRIPT of proceedings held on April 1, 2009 @ 5:10 p.m. before Judge Jed S. Rakoff. (jab) (Entered: 04/29/2009)
04/21/2009	<u>6</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting <u>4</u> Motion for Melinda Hardy to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 4/18/2009) (jfe) Modified on 4/22/2009 (jfe). (Entered: 04/22/2009)
04/21/2009	<u>7</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting <u>5</u> Motion for Kevin D. Solonsky to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 4/18/2009) (jfe) (Entered: 04/22/2009)
04/21/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <u>6</u> Order on Motion to Appear Pro Hac Vice, <u>7</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 04/22/2009)

05/01/2009	<u>9</u>	TRANSCRIPT of proceedings held on April 20, 2009 @ 5:00 p.m. before Judge Jed S. Rakoff. (jab) (Entered: 05/06/2009)
05/08/2009	<u>10</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against United States Securities and Exchange Commission. Document filed by Fox News Network, LLC. Related document: <u>1</u> Complaint filed by Fox News Network, LLC.(dle) (dle). (Entered: 05/11/2009)
05/14/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 5/14/2009. (jab) (Entered: 05/19/2009)
05/28/2009	<u>11</u>	ANSWER to Amended Complaint. Document filed by United States Securities and Exchange Commission. Related document: <u>10</u> Amended Complaint filed by Fox News Network, LLC.(Solonsky, Kevin) (Entered: 05/28/2009)
06/30/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 6/30/2009. (mro) (Entered: 07/01/2009)
07/21/2009	<u>12</u>	MOTION for Summary Judgment. Document filed by United States Securities and Exchange Commission. Responses due by 8/13/2009 Return Date set for 9/15/2009 at 05:00 PM.(Solonsky, Kevin) (Entered: 07/21/2009)
07/21/2009	<u>13</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment. Document filed by United States Securities and Exchange Commission. (Attachments: # <u>1</u> Affidavit Exhibit 1 (Declaration of Mark Adler), # <u>2</u> Affidavit Exhibit 2 (Declaration of Alberto Arevalo), # <u>3</u> Affidavit Exhibit 3 (Declaration of Christopher Bruckmann), # <u>4</u> Affidavit Exhibit 4 (Declaration of Robert Burson), # <u>5</u> Affidavit Exhibit 5 (Declaration of Pauline Calande), # <u>6</u> Affidavit Exhibit 6 (Declaration of Stephen Cohen), # <u>7</u> Affidavit Exhibit 7 (Declaration of Owen Donley), # <u>8</u> Affidavit Exhibit 8 (Declaration of Noelle Frangipane), # <u>9</u> Affidavit Exhibit 9 (Declaration of Kimberly Garber), # <u>10</u> Affidavit Exhibit 10 (Declaration of John Morgan), # <u>11</u> Affidavit Exhibit 11 (Declaration of Kevin Solonsky), # <u>12</u> Affidavit Exhibit 12 (Declaration of John Walsh))(Solonsky, Kevin) Modified on 7/22/2009 (db). (Entered: 07/21/2009)
07/21/2009	<u>14</u>	RULE 56.1 STATEMENT. Document filed by United States Securities and Exchange Commission. (Solonsky, Kevin) (Entered: 07/21/2009)
07/21/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Kevin Dean Solonsky to RE-FILE Document <u>13</u> Memorandum of Law in Support of Motion. ERROR(S): Supporting Document must be filed separately. ***REMINDER*** – First Re-File Memorandum of Law in Support, then file and link all Declarations and Affidavits in Support of Motion. (db) (Entered: 07/22/2009)
07/23/2009	<u>15</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>16</u>	DECLARATION of Mark Adler in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>17</u>	DECLARATION of Alberto Arevalo in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>18</u>	DECLARATION of Christopher Bruckmann in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>19</u>	DECLARATION of Robert Burson in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>20</u>	DECLARATION of Pauline Calande in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)

07/23/2009	<u>21</u>	DECLARATION of Stephen Cohen in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>22</u>	DECLARATION of Owen Donley in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>23</u>	DECLARATION of Noelle Frangipane in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>24</u>	DECLARATION of Kimberly Garber in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>25</u>	DECLARATION of John Morgan in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>26</u>	DECLARATION of Kevin Solonsky in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/23/2009	<u>27</u>	DECLARATION of John Walsh in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 07/23/2009)
07/30/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/30/2009. (mro) (Entered: 07/30/2009)
08/12/2009	<u>28</u>	TRANSCRIPT of proceedings held on 5/14/09 before Judge Jed S. Rakoff. (pl) (Entered: 08/18/2009)
08/20/2009	<u>29</u>	CROSS MOTION for Summary Judgment. Document filed by Fox News Network, LLC. Responses due by 9/10/2009 Return Date set for 9/23/2009 at 04:00 PM.(Mintz, Steven) (Entered: 08/20/2009)
08/20/2009	<u>30</u>	MEMORANDUM OF LAW in Opposition re: <u>29</u> CROSS MOTION for Summary Judgment., <u>12</u> MOTION for Summary Judgment.. Document filed by Fox News Network, LLC. (Mintz, Steven) (Entered: 08/20/2009)
08/20/2009	<u>31</u>	COUNTER STATEMENT TO <u>14</u> Rule 56.1 Statement. Document filed by Fox News Network, LLC. (Mintz, Steven) (Entered: 08/20/2009)
08/20/2009	<u>32</u>	DECLARATION of STEVEN G. MINTZ, ESQ. in Opposition re: <u>29</u> CROSS MOTION for Summary Judgment., <u>12</u> MOTION for Summary Judgment.. Document filed by Fox News Network, LLC. (Attachments: # <u>1</u> Exhibit 1 (Amended Complaint), # <u>2</u> Exhibit 2 (Answer to Amended Complaint), # <u>3</u> Exhibit 3 (Fox Business FOIA Request – Stanford), # <u>4</u> Exhibit 4 (Fox Business FOIA Request – Madoff), # <u>5</u> Exhibit 5 (SEC Stanford FOIA Denial Letter), # <u>6</u> Exhibit 6 (SEC FOIA Madoff Denial Letter), # <u>7</u> Exhibit 7 (Fox Business Administrative Appeal), # <u>8</u> Exhibit 8 (SEC Decision Affirming FOIA Denial), # <u>9</u> Exhibit 9 (Transcript of April 1 2009 Hearing), # <u>10</u> Exhibit 10 (Transcript April 20 2009 Hearing), # <u>11</u> Exhibit 11 (SEC Letter of May 4 2009))(Mintz, Steven) (Entered: 08/20/2009)
08/20/2009	<u>33</u>	NOTICE OF APPEARANCE by Terence William McCormick on behalf of Fox News Network, LLC (McCormick, Terence) (Entered: 08/20/2009)
09/10/2009	<u>34</u>	REPLY MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment. <i>And Response to Fox's Counter-Motion for Summary Judgment.</i> Document filed by United States Securities and Exchange Commission. (Solonsky, Kevin) (Entered: 09/10/2009)
09/10/2009	<u>35</u>	RESPONSE to Fox's Statement of Material Facts in Support of Fox's Motion for Summary Judgment. Document filed by United States Securities and Exchange Commission. (Solonsky, Kevin) (Entered: 09/10/2009)

09/15/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/15/2009. (mro) (Entered: 09/16/2009)
09/15/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/15/2009. (mro) (Entered: 09/21/2009)
09/17/2009	<u>36</u>	REPLY MEMORANDUM OF LAW in Support re: <u>29</u> CROSS MOTION for Summary Judgment.. Document filed by Fox News Network, LLC. (Attachments: # <u>1</u> Addendum A)(Mintz, Steven) (Entered: 09/17/2009)
09/17/2009	<u>37</u>	DECLARATION of Steven G. Mintz in Support re: <u>29</u> CROSS MOTION for Summary Judgment.. Document filed by Fox News Network, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Mintz, Steven) (Entered: 09/17/2009)
09/24/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/24/2009. (tro) (Entered: 09/28/2009)
09/28/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/28/2009. (mro) (Entered: 09/30/2009)
09/30/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 9/30/2009. (mro) (Entered: 10/02/2009)
10/13/2009	<u>38</u>	ORDER: The Court hereby directs defendant to submit copies of the following documents directly to the Court for in camera review by October 16, 2009: From the Madoff Vaughn Index, documents 1, 10, 20, 30, 40, 49, 59, 65, 70, 73, 74, 84, 94, 101, 105, 115, 123, 125, 135, 141, 143, 146, 150, 153, 163, 173, 183, 198, 199, 200, 201, 204, 207, 209, 216, 220, 222, 236, 246, 256, 266, 267, 270, 273, 274 – 78, 284, 289, and 292. From the Stanford Vaughn Index, documents 5, 8, 15, 20, 24, 30, 32, 36, 39, and 43. So Ordered (Signed by Judge Jed S. Rakoff on 10/9/09) (js) (Entered: 10/13/2009)
10/14/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/14/2009. (mro) (Entered: 10/22/2009)
10/16/2009	39	TRANSCRIPT of proceedings held on 9/30/09 before Judge Jed S. Rakoff. (ldi) (Entered: 10/19/2009)
10/29/2009	<u>40</u>	ORDER....Accordingly the SEC is hereby ordered to produce the requisite documents and/or Vaughn index regarding the remaining documents in the fifth and six sets by 11/30/09. The Court hereby places the SEC on notice that the dates set forth in this Order will not be subject to further extensions and will be strictly enforced. (Signed by Judge Jed S. Rakoff on 10/28/09) (cd) (Entered: 10/29/2009)
11/04/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/4/2009. (tro) (Entered: 11/04/2009)
11/24/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/24/2009. (mro) (Entered: 11/25/2009)
12/02/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/2/2009. (tro) (Entered: 12/03/2009)
12/07/2009	<u>41</u>	ORDER: Accordingly, on December 3, 2009 the Court conducted an ex parte, sealed proceeding at which defendant produced live witnesses to answer, on the record, the Court's questions as to remaining groups of documents. As a result of that hearing, the Court was able to determine that, with the exceptions noted below, the examinations asserted in the original Madoff Vaughn Index, as well as those asserted by letter. However as the hearing, defendant acknowledged that various of some of the withheld documents have already been made public and are therefore not in need of protection, and that those withheld under FOIA Exemption 7(C) Can be released upon redaction. Since these concessions also apply to similar documents that were not part of the sampling produced to this Court, the defendant is hereby directed to review the Madoff Vaughn Index entries for an additional documents that no longer need to be withheld, in whole or in part, either because public version have already been made available in redacted form. The additional documents that, in accordance with these guidelines, can be produced should be produced to plaintiff by December 18, 2009. (Signed by Judge Jed S. Rakoff on 12/4/2009) (jfe) Modified on 12/8/2009 (jfe). (Entered: 12/07/2009)

12/09/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/9/2009. (mro) (Entered: 12/15/2009)
01/04/2010	<u>42</u>	MOTION for Reconsideration re; <u>41</u> Order,,,,. Document filed by Fox News Network, LLC.(Ostensen, Paul) (Entered: 01/04/2010)
01/04/2010	<u>43</u>	DECLARATION of Steven G. Mintz in Support re: <u>42</u> MOTION for Reconsideration re; <u>41</u> Order,,,,. Document filed by Fox News Network, LLC. (Attachments: # <u>1</u> Exhibit 1 -- 12-7-09 Order, # <u>2</u> Exhibit 2-- 12-17-09 Bruckmann Letter, # <u>3</u> Exhibit 3 -- 12-23-09 Mintz Letter, # <u>4</u> Exhibit 4 -- 10-16-09 Bruckmann Letter, # <u>5</u> Exhibit 5 -- 10-20-09 Mintz Letter, # <u>6</u> Exhibit 6 -- 11-3-09 Hardy Letter, # <u>7</u> Exhibit 7 -- 11-2-09 IG Letter, # <u>8</u> Exhibit 8 -- 11-6-09 Mintz Letter, # <u>9</u> Exhibit 9 -- 12-10-09 Bruckmann Letter)(Ostensen, Paul) (Entered: 01/04/2010)
01/04/2010	<u>44</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Reconsideration re; <u>41</u> Order,,,,. Document filed by Fox News Network, LLC. (Ostensen, Paul) (Entered: 01/04/2010)
01/05/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/5/2010. (mro) (Entered: 01/06/2010)
01/19/2010	<u>45</u>	MEMORANDUM OF LAW in Opposition re: <u>42</u> MOTION for Reconsideration re; <u>41</u> Order,,,,. Document filed by United States Securities and Exchange Commission. (Bruckmann, Christopher) (Entered: 01/19/2010)
02/22/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/22/2010. (tro) (Entered: 02/25/2010)
03/15/2010	46	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/15/2010)
03/18/2010	<u>47</u>	STIPULATION AND ORDER REGARDING REVIEW OF DOCUMENTS: The SEC and its counsel are authorized, pursuant to 5 U.S.C. 552a(b)(11) to release information otherwise protected by the Privacy Act as further set forth herein, provided that the release of such information is reasonably related to the conduct of this litigation. (Signed by Judge Jed S. Rakoff on 3/17/10) (dle) (Entered: 03/18/2010)
03/31/2010	<u>48</u>	ORDER: In light of the Court's directive to the SEC to produce a newly updated Madoff Vaughn index to reflect the assertion of Exemption 5, among other new exemptions, which Fox News will need to review, as well as the parties' agreement to review entries 203, 205, 206, and 208 to determine whether those documents remain at issue, the Court concludes that as to the Madoff materials, the parties' cross-motions for summary judgment, which focused on the previous Madoff Vaughn index, have been rendered moot by the intervening proceedings in this case, and in particular, by the current focus on the validity of Exemption 5. With respect to the Madoff request, the Court therefore denies both parties' motions for summary judgment, wholly without prejudice to either party's refiling its motion for summary judgment after the aforementioned, intervening steps have been completed. As to the Stanford request, however, the SEC's motion for summary judgment is hereby granted and Fox News's motion for summary judgment is hereby denied, with opinion to follow. The Clerk of the Clerk is directed to close document numbers 12, 29, and 42 on the docket of the case.. (Signed by Judge Jed S. Rakoff on 3/31/2010) (jpo) (Entered: 04/01/2010)
04/21/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Interim Pretrial Conference held on 4/21/2010. (tro) (Entered: 04/26/2010)
04/22/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 4/22/2010. (tro) (Entered: 04/26/2010)
05/03/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 5/3/2010. (mro) (Entered: 05/04/2010)
05/06/2010	49	TRANSCRIPT of proceedings held on 4/21/10 before Judge Jed S. Rakoff. (ama) (Entered: 05/06/2010)

05/17/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Pretrial Conference held on 5/17/2010. (mro) (Entered: 05/21/2010)
05/18/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 5/18/2010. (mro) (Entered: 05/21/2010)
05/25/2010	50	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/25/2010)
06/02/2010	51	TRANSCRIPT of proceedings held on May 17, 2010 6:03 p.m. before Judge Jed S. Rakoff. (ajc) (Entered: 06/02/2010)
07/26/2010	<u>52</u>	ORDER: Finally, although the Court has had the benefit of the parties' most recent round of letter briefs, the Court concludes that all remaining issues, including, inter alia, the adequacy of the SEC's assertion of the deliberative process privilege under Exemption 5, may now properly be resolved on motions for summary judgment. Accordingly, after the SEC has provided the updated Vaughn index for entries 204, 207, and 210, the parties should jointly call the Court, at noon on September 3, 2010, to set a summary judgment briefing schedule. (Signed by Judge Jed S. Rakoff on 7/26/2010) (jfe) (Entered: 07/26/2010)
07/27/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/27/2010. (mro) (Entered: 07/29/2010)
09/03/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/3/2010. (tro) (Entered: 09/07/2010)
09/14/2010	<u>53</u>	MEMORANDUM Accordingly, for the foregoing reasons, the Court, by Order dated March 31, 2010, granted summary judgment to the SEC with respect to the Stanford request. (Signed by Judge Jed S. Rakoff on 9/13/2010) (jmi) (Entered: 09/14/2010)
09/16/2010	<u>54</u>	SECOND MOTION for Summary Judgment.(Responses due by 10/29/2010), MOTION to Stay. Document filed by United States Securities and Exchange Commission. Return Date set for 12/3/2010 at 04:00 PM.(Bruckmann, Christopher) (Entered: 09/16/2010)
09/29/2010		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/29/2010. (mro) (Entered: 10/01/2010)
09/30/2010	<u>55</u>	ORDER. On September 29, 2010, the parties in this case convened a telephonic conference with the Court and jointly requested that summary judgment motion practice be put on hold for the time being due to the fact that defendant Securities and Exchange Commission ("SEC") is in the process of releasing various documents to plaintiff Fox News Network, LLC, that had previously been withheld. The Court hereby grants their request. An in-court status conference will be held on Wednesday, November 3, 2010 at 3:00 P.M. (Status Conference set for 11/3/2010 at 03:00 PM before Judge Jed S. Rakoff.) (Signed by Judge Jed S. Rakoff on 9/29/10) (dj) (Entered: 09/30/2010)
10/25/2010	<u>56</u>	STIPULATION AND ORDER REGARDING REVIEW OF DOCUMENTS: The SEC and its counsel are hereby authorized, pursuant to 5 USC § 552a(b)(11) and 18 USC §1905, to release information otherwise protected by the Privacy Act, 5 USC § 552a or by 18 USC §1905, provided that the release of such information is reasonably related to the conduct of this litigation. One or more attorneys from the firm of Mintz &Gold LLP or the Fox. Business General Counsel's Office will be permitted to review the Documents (in hard copy or electronic format) at the offices of the SEC, and to designate which of the Documents, if any, Fox Business would like to have produced. The Fox Attorneys may be assisted in this review by paralegals or assistants from Mintz &Gold LLP or the Fox Business General Counsel's Office, provided that a Fox Attorney actively supervises the paralegals or assistants at all times. After the Fox Attorneys have reviewed the Documents and designated which of the Documents they wish to have disclosed, the SEC will review the designated Documents to determine whether it wishes to redact or withhold all or any part of the designated Documents pursuant to 5 USC § 552(b). All other details that will govern the handling of the review of documents are as further set forth in said Order. (Signed by Judge Jed S. Rakoff on 10/24/10) (db) (Entered: 10/25/2010)

01/13/2011	<u>57</u>	STIPULATION AND ORDER: Now therefore, it is hereby ordered that: 1. The conference currently scheduled for January 11, 2011 at 4:00 is adjourned until February 8, 2011 at 4:00 p.m. On or before the adjourned date of the conference, the SEC also agrees to segregate certain highly sensitive documents that it believes are exempt from disclosure under 5 U.S.C. 552(b) (i.e., internal attorney-client communications) from the Documents in an effort to permit attorneys from the law firm of Mintz & Gold LLP. to review the remaining portion of the Documents pursuant to the provisions as set forth in this order. So Ordered (Signed by Judge Jed S. Rakoff on 1/10/11) (js) (Entered: 01/13/2011)
01/13/2011		Set Deadlines/Hearings: Status Conference set for 2/8/2011 at 04:00 PM before Judge Jed S. Rakoff. (js) (Entered: 01/13/2011)
03/10/2011		Minute Entry Telephone Conference held before Judge Jed S. Rakoff held on 3/10/2011. (Landers, Rigoberto) (Entered: 03/17/2011)
04/19/2011	<u>58</u>	STIPULATION AND ORDER: The SEC and its counsel are hereby authorized, pursuant to 5 U.S.C. § 552a(b)(U) and 18 U.S.C. § 1905, to release information otherwise protected by, the Privacy Act, 5 U.S.C. § 552a or by 18 U.S.C. § 1905, provided that the release of such information is reasonably related to the conduct of this litigation, as set forth in this Order. (Signed by Judge Jed S. Rakoff on 4/14/2011) (jpo) (Entered: 04/19/2011)
06/17/2011		Minute Entry for proceedings held before Judge Jed S. Rakoff: Status Conference held on 6/17/2011. (mbe) (Entered: 07/21/2011)
08/19/2011	<u>59</u>	SETTLEMENT AGREEMENT: Agreement to Settle. The Parties hereby agree to settle and compromise Fox News' claim for attorneys' fees and costs arising from the FOIA Action. in accordance with the terms and conditions set forth herein. The Parties specifically agree that this Agreement constitutes a full and complete settlement of any and all differences, disputes, grievances, actions, causes of action, complaints, claims, or charges relating in any way to Fox News' attorneys' fees and costs arising from the FOIA Action. This includes all claims, charges, or complaints relating to Fox News' claim for attorneys' fees and costs arising from the FOIA Action that have been, could have been or could be brought before any state or federal court, any administrative body, tribunal, board, or commission or any other forum against the SEC and any of its present and former officers, agents, attorneys, employees, representatives, or contractors. (Signed by Judge Judge Jed S. Rakoff on 8/18/2011) (js) (Entered: 08/19/2011)